IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Crl.Rev.Pet.No. 1041 of 1999()

CRA.257/1996 of SESSIONS COURT, KOZHIKOE
CC.910/1993 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE
.....

REVN. PETITIONER: APPELLANT/ACCUSED

C.DAMODARAN, S/O.C.PUTHIYAN,
MANOVILLA, 2/682.
KARAPARAMBA P.O., CALICUT 10.

BY ADV. SRI.V.G.ARUN

RESPONDENTS: RESPONDENT- COMPLAINANT

K.KRISHNADAS, MANAGING PARTNER,
DHANADA FINANCIERS, 7/239,
COURT ROAD, CALICUT 1.

BY ADV. K.KRISHNADAS [PARTY]
PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/07/2007, ALONG WITH CRRC NO. 11 OF 1999 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.RP. NO.1041/1999

ORDER ON CRL.MP. 4901/1999 IN CRRP. 1041/1999

DISMISSED

24.07.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

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K.R. UDAYABHANU, J.

CRL.R.P. NO. 1041 & R.C. No.11 of 1999

Dated this the 24th day of July, 2007

ORDER

The revision petitioner in Crl.R.P.No. 1041 of 1999 stands convicted for the offence under section 138 N.I.Act and sentenced, as modified by the appellate court, to pay a fine of Rs.15,000/- and that if the fine amount is realised, Rs.10,000/- shall be paid to the complainant as compensation vide section 357(1) Cr.P.C.

2. The R.C was filed suo motu as the order of the appellate court modifying the sentence to pay a fine of Rs.15,000/- appeared unjust so far as the complainant is concerned as the cheque amount is Rs.20,000/-. Counsel for the revision petitioner has only sought for time to pay the amount.

3. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.20,000/- to the complainant and in default to undergo simple imprisonment for 3 months. The revision

petitioner is granted 3 months' time from today onwards to pay the amount of compensation.

The Crl.R.P and R.C are disposed of accordingly.

The Revision petitioner shall appear before the JFCM-I, Kozhikode on 30-10-2007 to receive the sentence.

K.R.UDAYABHANU,JUDGE.

Kvm/

K.R.UDAYABHANU, J.

CRL.R.P.NO.1041/1999 &
R.C.NO.11/1999

ORDER

24-7-2007.